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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,869	10/14/2003	Joshy Joseph	POU920030041US1	4782
7590 06/27/2008 William A. Kinnaman, Jr. IBM Corporation - MS P386 2455 South Road Poughkeepsie, NY 12601				
EXAMINER BARQADEE, YASIN M				
ART UNIT 2153		PAPER NUMBER		
MAIL DATE 06/27/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/684,869

Applicant(s)

JOSEPH, JOSH Y

Examiner

YASIN M. BARQADLE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/6/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS-100)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 6/13/2008

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 06, 2008 has been entered.

Response to Amendment

2. The amendment filed on June 06, 2008 has been fully considered but are not persuasive.

Claims 10-20 are cancelled.

Claims 1-9 are presented for examination.

Allowable Subject Matter

3. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e as being anticipated by Blizniak et al (20030204622).

As per claim 1, Blizniak teaches a service-oriented architecture in which a client invokes a Web service from a Web service provider over a communication path between said client and said web service provider using a dynamically selected transport binding, a method of invoking said Web service comprising (fig. 2) the steps of:

selecting a service transport binding for a Web service invocation from said Web service provider in a negotiation selection process over said communication path using a first transport binding (para. 0019 and 0024);
and

conducting subsequent communications between said client and said

Web service provider relating to said Web service invocation over said communication path using the service transport binding negotiated selected in said negotiation selection process using said first transport binding (abstract , para. 0024-0029).

As per claim 2, Blizniak teaches the method of claim 1 in which said client is on a client side of a communication path, said steps being performed on said client side of said communication path (fig. 1B and para. 0019-0020).

As per claim 3, Blizniak teaches method of claim 1 in which said Web service provider is on a server side of a communication path, said steps being performed on said server side of said communication path (para. 0019-0020 and 0025-0029).

As per claim 4, Blizniak teaches method of claim 1 in which said client is on a client side of a communication path and said Web service provider is on a server side of said communication path, said service the selected transport binding being negotiated directly between said client side and said server side of said communication path (para. 0019-0020 and 0025-0029).

As per claim 5, Blizniak teaches method of claim 1 in which in which said client is on a client side of a communication path and said Web service provider is on a server side of said communication path, said steps are being

performed on said client side and said server side of said communication path (para. 0019-0020 and 0025-0029).

As per claim 6, Blizniak teaches method of claim 1 in which said Web service invocation passes through one or more intermediary nodes along a communication path between said client and said server as end nodes, said method steps being performed by one of said intermediary nodes with an adjacent node along said communication path between said client and said server (para. 0019-0020 and 0025-0028).

As per claims 8, Blizniak teaches method of claim 1 in said client is located on a client side of a communication path and said Web service is located on a server side of said communication path, said negotiating selecting step comprising the step of: determining whether said server side is capable of negotiating a service transport binding; if said server side is determined to be capable of negotiating a service transport binding, negotiating a service transport binding with said server side; and otherwise, selecting a service transport binding on the basis on information available on the client side of said communication path without negotiating with said server side (para. 0019-0020 and 0025-0028).

As per claims 9, Blizniak teaches method of claim 8 in which said service the selected transport binding is selected on the basis of diagnostic information available on the client side of said communication path (para. 0005 and 0025).

Conclusion

5. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information

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for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Yasin M Barqadle/

Primary Examiner, Art Unit 2153